

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05cr40025FDS

UNITED STATES OF AMERICA

v.

MATTHEW MARSH

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1,2,4-6, 11-13, 16-26, 28-38, 40-45, 47-52, 58-70, 72-82, 85, 86, 93-97, 99-107 are copies and can be destroyed after the appeal is complete.

and contained in Volume(s) 1-3 are the electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/30/07

In testimony whereof, I hereunto set my hand and affix the seal of this Court on 5/1/07

Sarah A Thornton, Clerk of Court
/s/ Sherry Jones

By: Sherry Jones
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

**RETURN TO: US DISTRICT COURT
595 MAIN STREET, SUITE 502
WORCESTER, MA 01608**

APPEAL

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:05-cr-40025-FDS-2**

Case title: USA v. Bernabel, et al

Date Filed: 04/28/2005

Assigned to: Judge F. Dennis Saylor, IV

Defendant

Matthew Marsh (2)

TERMINATED: 04/27/2007

represented by **Alan J. Black**

Alan Black, Attorney at Law

1383 Main Street

Springfield, MA 01103

413-732-5381

Fax: 413 739-0446

Email: alanblack@alblack.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

21:846 Conspiracy to Distribute
Cocaine Base
(1)

21:841(a)(1) Distribution of cocaine
Base; 18:2 Aiding and Abetting
(2-3)

Disposition

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 132 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. It is further ordered that the defendant shall pay to the United States a special assessment of \$300.00

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 132 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. It is further ordered that the defendant shall pay to the United States a special assessment of \$300.00

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition


Disposition

Plaintiff

USA

represented by **John A. Wortmann, Jr.**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Boston, MA 02110
 617-748-3207
 Fax: 617-748-3963
 Email: john.wortmann@usdoj.gov
TERMINATED: 05/12/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lisa M. Asiaf
 United States Attorney's Office
 Major Crimes Unit
 John Joseph Moakley U.S. Courthouse
 Suite 9200
 Boston, MA 02210
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/28/2005	 1	MOTION to Seal Indictment as to Nydia Sharaai Bernabel, Matthew Marshby USA. (Shattuck, Deborah) Modified on 4/29/2005 (Shattuck, Deborah). (Entered: 04/29/2005)

04/28/2005	●	Judge Joyce London Alexander : Electronic ORDER entered granting <u>1</u> Motion to Seal Indictment as to Nydia Sharaai Bernabel (1), Matthew Marsh (2). "Allowed." (Shattuck, Deborah) (Entered: 04/29/2005)
04/28/2005	● <u>2</u>	SEALED INDICTMENT as to Nydia Sharaai Bernabel (1) count(s) 1, 2-3, Matthew Marsh (2) count(s) 1, 2-3; Criminal Forfeiture Allegation. (Shattuck, Deborah) (Entered: 04/29/2005)
04/28/2005	●	Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Nydia Sharaai Bernabel, Matthew Marsh (Shattuck, Deborah) (Entered: 05/02/2005)
05/12/2005	● <u>4</u>	MOTION to Unseal Indictment as to Matthew Marsh ONLY by USA. (Roland, Lisa) (Entered: 05/12/2005)
05/12/2005	●	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>4</u> Motion to Unseal Indictment as to Matthew Marsh ONLY (2). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 05/12/2005)
05/12/2005	●	Arrest of Matthew Marsh (Roland, Lisa) (Entered: 05/12/2005)
05/12/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Initial Appearance as to Matthew Marsh held on 5/12/2005. Case called, AUSA Ricciuti, Defendant without counsel & PTS Cuascut appear, Defendant notified of rights, charges and maximum penalties, Defendant indicates that he cannot afford an attorney, The Court appoints Attorney Alan Black on that representation, Government moves for detention, Case continued to 5/18/2005 @ 2:00 for Arraignment and Detention Hearing, Defendant remanded to the custody of the US Marshals. (12:30 P.) (Roland, Lisa) (Entered: 05/12/2005)
05/12/2005	●	Attorney update in case as to Nydia Sharaai Bernabel, Matthew Marsh. Attorney Lisa M. Asiaf for USA added. Attorney John A. Wortmann, Jr terminated. (Roland, Lisa) (Entered: 05/12/2005)
05/12/2005	● <u>5</u>	Judge Charles B. Swartwood : CJA 20 as to Matthew Marsh: Appointment of Attorney Alan J. Black for Matthew Marsh. (Roland, Lisa) (Entered: 05/12/2005)
05/12/2005	● <u>6</u>	Judge Charles B. Swartwood : ORDER OF TEMPORARY DETENTION as to Matthew Marsh; Detention Hearing set for 5/18/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 05/12/2005)
05/13/2005	●	Case unsealed as to Matthew Marsh (Jones, Sherry) (Entered: 05/13/2005)
05/17/2005	● <u>11</u>	NOTICE OF HEARING as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 6/28/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 05/17/2005)

05/17/2005	<u>12</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Nydia Sharaai Bernabel, Matthew Marsh; Time excluded from May 17, 2005 until May 31, 2005, cc/cl. (Roland, Lisa) (Entered: 05/17/2005)
05/17/2005	<u>13</u>	Judge Charles B. Swartwood : SCHEDULING ORDER as to Nydia Sharaai Bernabel, Matthew Marsh, cc/cl. (Roland, Lisa) (Entered: 05/17/2005)
05/19/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Matthew Marsh (2) Count 1,2-3 held on 5/19/2005, Case called, Counsel (Asiaf, Black), PTS Cuascut & Defendant appear, Defendant notified of rights, charges & maximum penalties, Not Guilty Plea entered by Matthew Marsh on counts 1-3, Scheduling Order handed to counsel, Detention Hearing as to Matthew Marsh held on 5/19/2005, Defendant assents to an order of detention but reserves his right to a hearing in the future, Order to issue, Defendant remanded to the custody of the US Marshals. (9:52 A.) (Roland, Lisa) (Entered: 05/19/2005)
06/16/2005	<u>16</u>	<i>Government's Automatic Discovery</i> Letter (non-motion) as to Nydia Sharaai Bernabel, Matthew Marsh (Asiaf, Lisa) (Entered: 06/16/2005)
06/16/2005	<u>17</u>	<i>Government's Local Rule 116.6</i> Declination as to Nydia Sharaai Bernabel, Matthew Marsh: (Asiaf, Lisa) (Entered: 06/16/2005)
06/29/2005	<u>18</u>	MOTION for Extension of Time to July 12, 2005 to File Discovery Request Letter as to Matthew Marsh. (Black, Alan) Additional attachment(s) added on 6/29/2005 (Roland, Lisa). (Entered: 06/29/2005)
06/29/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Nydia Sharaai Bernabel, Matthew Marsh held on 6/29/2005. Case called, Counsel (Asief, Norris)appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (11:28 A.) (Roland, Lisa) (Entered: 06/29/2005)
06/29/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>18</u> Motion for Extension of Time to File Discovery Request Letter as to Matthew Marsh (2). "ALLOWED. See Initial Status Report issued today." cc/cl (Roland, Lisa) (Entered: 06/30/2005)
06/29/2005	<u>19</u>	Judge Charles B. Swartwood : STATUS REPORT as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 8/2/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 06/30/2005)
06/29/2005	<u>20</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Nydia Sharaai Bernabel, Matthew Marsh; Time excluded from May 31, 2005 until August 2, 2005, cc/cl. (Roland, Lisa) (Entered: 06/30/2005)
08/02/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Nydia Sharaai Bernabel, Matthew Marsh held on 8/2/2005. Case called, Counsel (Asiaf, Norris, Black)

		appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (2:26 P.) (Roland, Lisa) (Entered: 08/02/2005)
08/03/2005	<u>21</u>	Judge Charles B. Swartwood : STATUS REPORT as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 9/14/2005 03:45 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 08/04/2005)
08/03/2005	<u>22</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Nydia Sharaai Bernabel, Matthew Marsh; Time excluded from August 2, 2005 until September 12, 2005, cc/cl. (Roland, Lisa) (Entered: 08/04/2005)
09/15/2005	<u>23</u>	Joint MOTION to Continue <i>Status Conference</i> as to Matthew Marsh. (Black, Alan) (Entered: 09/15/2005)
09/16/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>23</u> Motion to Continue as to Matthew Marsh (2). "ALLOWED." Status conference reset to 9/28/05 at 2:30 p.m. (cc/cl) (Jones, Sherry) (Entered: 09/16/2005)
09/16/2005		Set/Reset Hearings as to Nydia Sharaai Bernabel, Matthew Marsh: Status Conference set for 9/28/2005 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Jones, Sherry) (Entered: 09/16/2005)
09/28/2005		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Nydia Sharaai Bernabel, Matthew Marsh held on 9/28/2005. Case called, Counsel (Asiaf, Norris, Black) appear by telephone, Counsel request additional time, Oral motion to excluded time, Case continued, Status Report & Order on Excludable Time to issue. (Digital Recording 3:23 p.) (Roland, Lisa) (Entered: 10/04/2005)
09/28/2005		Oral MOTION for Excludable Delay as to Nydia Sharaai Bernabel, Matthew Marshby USA. (Roland, Lisa) (Entered: 10/04/2005)
09/30/2005	<u>24</u>	Judge Charles B. Swartwood : STATUS REPORT as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 11/9/2005 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Entered: 10/06/2005)
09/30/2005	<u>25</u>	Judge Charles B. Swartwood : Order of Excludable Time entered as to Nydia Sharaai Bernabel (1), Matthew Marsh (2). Time excluded from September 14, 2005 through November 9, 2005, cc/cl. (Roland, Lisa) (Entered: 10/06/2005)
11/10/2005	<u>26</u>	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Matthew Marsh (Black, Alan) (Entered: 11/10/2005)
11/17/2005	<u>28</u>	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Matthew Marsh (Attachments: # <u>1</u> Exhibit 1)(Asiaf, Lisa) (Entered: 11/17/2005)














11/18/2005	<u>29</u>	Judge Charles B. Swartwood : STATUS REPORT as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 11/29/2005 09:30 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/18/2005)
11/18/2005	<u>30</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Nydia Sharaai Bernabel, Matthew Marsh; Time excluded from November 9, 2005 until November 29, 2005, cc/cl. (Roland, Lisa) (Entered: 11/18/2005)
11/29/2005		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Nydia Sharaai Bernabel, Matthew Marsh held on 11/29/2005. Case called, Counsel (Asiaf, Black) appear by telephone, Counsel request additional time, Oral motion to exclude time, Case continued, Status Report and Order on excludable time to issue. (Digital Recording 9:48 A.) (Roland, Lisa) (Entered: 11/29/2005)
11/29/2005		Oral MOTION for Excludable Delay as to Nydia Sharaai Bernabel, Matthew Marshby USA. (Roland, Lisa) (Entered: 11/29/2005)
11/30/2005	<u>31</u>	Judge Charles B. Swartwood : STATUS REPORT as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 12/21/2005 09:00 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 12/02/2005)
11/30/2005	<u>32</u>	Judge Charles B. Swartwood : Order of Excludable Time as to Nydia Sharaai Bernabel (1), Matthew Marsh (2). Time excluded from November 29, 2005 through December 21, 2005, cc/cl. (Roland, Lisa) (Entered: 12/02/2005)
12/05/2005	<u>33</u>	MOTION for transcripts at government expense as to Matthew Marsh. (Black, Alan) (Entered: 12/05/2005)
12/05/2005	<u>34</u>	MOTION for Discovery <i>Per Local Rule 116.1 (D)</i> as to Matthew Marsh. (Black, Alan) (Entered: 12/05/2005)
12/05/2005	<u>35</u>	MEMORANDUM in Support by Matthew Marsh re <u>34</u> MOTION for Discovery <i>Per Local Rule 116.1 (D) Information</i> (Black, Alan) (Entered: 12/05/2005)
12/19/2005	<u>36</u>	MEMORANDUM in Opposition by USA as to Matthew Marsh re <u>34</u> MOTION for Discovery <i>Per Local Rule 116.1 (D)</i> (Asiaf, Lisa) (Entered: 12/19/2005)
12/21/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>33</u> Motion for Transcript at Government Expense as to Matthew Marsh (2). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 12/21/2005)
12/21/2005		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Nydia Sharaai Bernabel, Matthew Marsh held on 12/21/2005. Case called, Counsel (Asiaf, Black) appear by telephone, Status Conference re-scheduled for 1/5/2006 02:30 PM in

		Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 12/28/2005)
01/05/2006	<u>34</u>	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Motion Hearing as to Matthew Marsh held on 1/5/2006 re <u>34</u> MOTION for Discovery <i>Per Local Rule 116.1 (D)</i> filed by Matthew Marsh. Case called, Counsel (Asiaf, Black) appear by telephone, The Court addresses discovery motion, Order to issue. (Digital Recording 2:18 p.) (Roland, Lisa) (Entered: 01/09/2006)
01/05/2006	<u>35</u>	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Nydia Sharaai Bernabel, Matthew Marsh held on 1/5/2006. Case called, Counsel (Asiaf, Black) appear by telephone, Counsel request additional time, Oral motion to exclude time, Case continued to 2/27/2006 @ 2:00 pm, Status Report and Order on Excludable Time to issue. (Digital Recording 2:18 p.) (Roland, Lisa) (Entered: 01/09/2006)
01/05/2006	<u>36</u>	Oral MOTION for Excludable Delay as to Nydia Sharaai Bernabel, Matthew Marsh by USA. (Roland, Lisa) (Entered: 01/09/2006)
01/06/2006	<u>37</u>	Judge Charles B. Swartwood : STATUS REPORT as to Nydia Sharaai Bernabel, Matthew Marsh; Status Conference set for 2/27/2006 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 01/09/2006)
01/06/2006	<u>38</u>	Judge Charles B. Swartwood : ORDER of Excludable Time as to Nydia Sharaai Bernabel (1), Matthew Marsh (2); Tome excluded from December 21, 2005 through February 23, 2006, cc/cl. (Roland, Lisa) (Entered: 01/09/2006)
01/17/2006	<u>40</u>	Judge Charles B. Swartwood : ORDER entered granting in part and denying in part <u>34</u> Motion for Discovery as to Matthew Marsh (2), cc/cl. (Roland, Lisa) (Entered: 01/19/2006)
01/20/2006	<u>41</u>	Judge Charles B. Swartwood : AMENDED STATUS REPORT as to Matthew Marsh. FINAL STATUS REPORT as to Nydia Sharaai Bernabel, cc/cl. (Roland, Lisa) (Entered: 01/28/2006)
02/06/2006	<u>42</u>	MOTION to Suppress <i>Unlawful Stop of Defendant's Vehicle and Subsequent Search and Seizure of Buy Money and Any Subsequent Identifications of the Defendant</i> as to Matthew Marsh. (Black, Alan) (Entered: 02/06/2006)
02/06/2006	<u>43</u>	MEMORANDUM in Support by Matthew Marsh re <u>42</u> MOTION to Suppress <i>Unlawful Stop of Defendant's Vehicle and Subsequent Search and Seizure of Buy Money and Any Subsequent Identifications of the Defendant</i> (Black, Alan) (Entered: 02/06/2006)
02/21/2006	<u>44</u>	Case as to Matthew Marsh Reassigned to Judge Timothy S. Hillman. Judge Charles B. Swartwood no longer assigned to the case. (Shattuck, Deborah) Modified on 2/27/2006 (Shattuck, Deborah). Additional

		attachment(s) added on 3/3/2006 (Jones, Sherry). (Entered: 02/23/2006)
02/23/2006	<u>45</u>	Opposition by USA as to Matthew Marsh re <u>42</u> MOTION to Suppress <i>Unlawful Stop of Defendant's Vehicle and Subsequent Search and Seizure of Buy Money and Any Subsequent Identifications of the Defendant</i> (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Asiaf, Lisa) (Entered: 02/23/2006)
02/27/2006		ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Matthew Marsh held on 2/27/2006. Case called, Counsel (Asiaf, Black) appear by telephone, Case to be sent back to the District Judge, Oral Motion to exclude time, Final Status Report and Order on Excludable Time to issue. (Digital Recording 3:18 p.) (Roland, Lisa) (Entered: 02/28/2006)
02/27/2006		Oral MOTION for Excludable Delay as to Matthew Marshby USA. (Roland, Lisa) (Entered: 02/28/2006)
02/28/2006	<u>47</u>	Judge Timothy S. Hillman : FINAL STATUS REPORT as to Matthew Marsh, cc/cl. (Roland, Lisa) (Entered: 02/28/2006)
02/28/2006	<u>48</u>	Judge Timothy S. Hillman : ORDER of Excludable Time as to Matthew Marsh (2). Time Excluded from February 23, 2006 through February 27, 2006, cc/cl. (Roland, Lisa) (Entered: 02/28/2006)
02/28/2006		Case as to Matthew Marsh no longer referred to Magistrate Judge Timothy S. Hillman. (Roland, Lisa) (Entered: 02/28/2006)
03/09/2006		NOTICE OF HEARING: Set hearing re Motion in case as to Matthew Marsh <u>42</u> MOTION to Suppress <i>Unlawful Stop of Defendant's Vehicle and Subsequent Search and Seizure of Buy Money and Any Subsequent Identifications of the Defendant</i> . Motion Hearing set for Wednesday 3/29/2006 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 03/09/2006)
03/13/2006	<u>49</u>	Assented to MOTION to Continue as to Matthew Marsh. (Black, Alan) (Entered: 03/13/2006)
03/13/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>49</u> Motion to Continue motion hearing as to Matthew Marsh (2). (Castles, Martin) (Entered: 03/13/2006)
03/13/2006		NOTICE OF RESCHEDULING: Reset MOTION HEARING in case as to Matthew Marsh's <u>42</u> MOTION to Suppress <i>Unlawful Stop of Defendant's Vehicle and Subsequent Search and Seizure of Buy Money and Any Subsequent Identifications of the Defendant</i> . Motion Hearing reset for Wednesday 4/26/2006 at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 03/13/2006)
04/26/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Motion Hearing as to Matthew Marsh held on 4/26/2006 re <u>42</u> MOTION to Suppress <i>Unlawful Stop of Defendant's Vehicle and</i>












		<i>Subsequent Search and Seizure of Buy Money and Any Subsequent Identifications of the Defendant</i> filed by Matthew Marsh, Case called, Counsel and dft appear for motion hearing, Court hears evidence and arguments of counsel, Exhibits 1-6 entered into evidence, Dft to file arguement brief by 5/1/06, Govt to reply by 5/5/06, Court takes motion under advisement, Telephone Conference set for Tuesday 5/9/2006 at 4:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 04/26/2006)
05/01/2006	<u>50</u>	MOTION for Extension of Time to File <i>Opposition</i> as to Matthew Marsh. (Black, Alan) (Entered: 05/01/2006)
05/01/2006	<u>51</u>	RESPONSE to Motion by USA as to Matthew Marsh re <u>50</u> MOTION for Extension of Time to File <i>Opposition</i> (Asiaf, Lisa) (Entered: 05/01/2006)
05/02/2006	<u>52</u>	Letter (non-motion) as to Matthew Marsh (Black, Alan) (Entered: 05/02/2006)
05/03/2006	<u>53</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>50</u> Motion for Extension of Time to File as to Matthew Marsh (2). (Castles, Martin) (Entered: 05/03/2006)
05/09/2006	<u>54</u>	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Telephone Conference as to Matthew Marsh held on 5/9/2006, Case called, Counsel appear for motion hearing/pretrial conference, Court rules on dft's motion to suppress, Motion DENIED for the reasons stated on the record, Court sets trial date, final pretrial conference and pretrial filing dates as follows: Jury Trial set for Monday 9/11/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for Wednesday 9/6/2006 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV, Proposed voir dire questions, In limine motions, witness/exhibit lists and any trial briefs due by 8/1/06, Responses to In limine motions due by 12:00pm on 9/5/06, Proposed jury instructions and verdict form due by 9/8/06, The Court will enter an order excluding the time between 5/9/06 and 9/6/06 under the speedy trial act, (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 05/09/2006)
05/09/2006	<u>54</u>	Judge F. Dennis Saylor IV: Electronic oral ORDER entered in open court denying <u>42</u> Motion to Suppress as to Matthew Marsh (2). (Castles, Martin) (Entered: 05/09/2006)
05/23/2006	<u>55</u>	TRANSCRIPT of Ruling on Motion to Suppress Proceedings as to Matthew Marsh held on May 9, 2006 before Judge F. Dennis Saylor, IV. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Hassett, Kathy) (Entered: 05/23/2006)
06/22/2006	<u>58</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Matthew Marsh Time excluded from 5/9/06 until 9/6/06. (Castles, Martin) (Entered: 06/23/2006)

07/28/2006	<u>59</u>	Proposed Voir Dire by USA as to Matthew Marsh (Asiaf, Lisa) (Entered: 07/28/2006)
07/28/2006	<u>60</u>	Proposed Jury Instructions by USA as to Matthew Marsh (Asiaf, Lisa) (Entered: 07/28/2006)
07/31/2006	<u>61</u>	WITNESS LIST by USA as to Matthew Marsh (Asiaf, Lisa) Modified on 8/1/2006 (Jones, Sherry). (Entered: 07/31/2006)
07/31/2006	<u>62</u>	EXHIBIT LIST by USA as to Matthew Marsh (Asiaf, Lisa) Modified on 8/1/2006 (Jones, Sherry). (Entered: 07/31/2006)
08/01/2006	<u>63</u>	MOTION for Voir Dire <i>and Proposed Voir Dire Questions</i> as to Matthew Marsh. (Black, Alan) (Entered: 08/01/2006)
08/01/2006	<u>64</u>	MOTION in Limine <i>to Establish an Order of Proof for the Conspiracy Charge</i> as to Matthew Marsh. (Black, Alan) (Entered: 08/01/2006)
08/01/2006	<u>65</u>	MOTION in Limine <i>to Exclude Evidence of Defendant's Prior Conviction(s)</i> as to Matthew Marsh. (Black, Alan) (Entered: 08/01/2006)
08/01/2006	<u>66</u>	MOTION to Sequester <i>Witnesses</i> as to Matthew Marsh. (Black, Alan) (Entered: 08/01/2006)
08/01/2006	<u>67</u>	MOTION in Limine <i>to Introduce Evidence of Defendant's Prior Drug Activity</i> as to Matthew Marshby USA. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Asiaf, Lisa) (Entered: 08/01/2006)
08/01/2006	<u>68</u>	TRIAL BRIEF by USA as to Matthew Marsh (Asiaf, Lisa) (Entered: 08/01/2006)
08/16/2006	<u>69</u>	MOTION <i>TO ACCEPT FURTHER MOTIONS</i> as to Matthew Marsh. (Black, Alan) (Entered: 08/16/2006)
08/21/2006	<u>70</u>	Joint MOTION to Continue <i>Trial (currently set for 9-11-06) & to Exclude Time accordingly</i> as to Matthew Marshby Matthew Marsh, USA. (Asiaf, Lisa) (Entered: 08/21/2006)
08/24/2006	<u>71</u>	SEALED MOTION as to Matthew Marsh. (Jones, Sherry) (Entered: 08/24/2006)
08/24/2006	<u>72</u>	MOTION for Writ of Habeas Corpus ad testificandum as to Nydia Sharaai Bernabel, Matthew Marshby USA. (Asiaf, Lisa) (Entered: 08/24/2006)
08/24/2006	<u>73</u>	PROPOSED ORDER(S) submitted by USA as to Nydia Sharaai Bernabel, Matthew Marsh (Asiaf, Lisa) (Entered: 08/24/2006)
08/24/2006	<u>74</u>	Opposition by USA as to Matthew Marsh re <u>64</u> MOTION in Limine <i>to Establish an Order of Proof for the Conspiracy Charge</i> (Asiaf, Lisa) (Entered: 08/24/2006)
08/24/2006	<u>75</u>	Opposition by USA as to Matthew Marsh re <u>65</u> MOTION in Limine <i>to Exclude Evidence of Defendant's Prior Conviction(s)</i> (Attachments: # <u>1</u> Exhibit A)(Asiaf, Lisa) (Entered: 08/24/2006)

09/01/2006		ELECTRONIC NOTICE OF HEARING as to Matthew Marsh: Change of Plea Hearing set for Monday 9/11/2006 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 09/01/2006)
09/05/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER CANCELLING DEADLINE as to Matthew Marsh. Pretrial conference set for 9/6/06 is hereby cancelled due to the case be scheduled for a Rule 11 Hearing on 9/11/06. (Castles, Martin) (Entered: 09/05/2006)
09/07/2006		Terminate Hearings as to Matthew Marsh: Trial date cancelled due to Rule 11 hearing being scheduled. (Castles, Martin) (Entered: 09/07/2006)
09/08/2006	 <u>76</u>	Assented to MOTION to Continue <i>Change of Plea Hearing</i> as to Matthew Marsh. (Black, Alan) (Entered: 09/08/2006)
09/08/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>76</u> Motion to Continue as to Matthew Marsh (2). Change of Plea Hearing reset for 9/28/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. The parties are directed to file a joint motion to exclude time between 9/6/06 and 9/28/06 promptly. (Castles, Martin) Modified on 9/8/2006 (Castles, Martin). (Entered: 09/08/2006)
09/11/2006	 <u>77</u>	Joint MOTION for Excludable Delay to <i>September 28, 2006</i> as to Matthew Marsh. (Black, Alan) (Entered: 09/11/2006)
09/14/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>77</u> Motion to Exclude as to Matthew Marsh (2). (Castles, Martin) (Entered: 09/14/2006)
09/14/2006	 <u>78</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Matthew Marsh Time excluded from 9/8/06 until 9/28/06. (Castles, Martin) (Entered: 09/14/2006)
09/15/2006	 <u>79</u>	MOTION to Compel <i>Transcripts</i> as to Matthew Marsh. (Black, Alan) (Entered: 09/15/2006)
09/15/2006	 <u>80</u>	MOTION for <i>Funds for Transcripts</i> as to Matthew Marsh. (Black, Alan) (Entered: 09/15/2006)
09/20/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered denying <u>79</u> Motion to Compel without prejudice to renewal at an appropriate time as to Matthew Marsh (2) and granting <u>80</u> Motion for funds as to Matthew Marsh (2). (Castles, Martin) (Entered: 09/20/2006)
09/25/2006	 <u>81</u>	Assented to MOTION to Continue <i>Change of Plea Hearing</i> as to Matthew Marsh. (Black, Alan) (Entered: 09/25/2006)
09/25/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>81</u> Motion to Continue as to Matthew Marsh (2) Change of Plea Hearing reset for 10/23/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. If the matter is not resolved by a plea, the case will be set for trial for November 6, 2006. Order of excludable time to follow. (Castles, Martin) (Entered: 09/25/2006)

09/25/2006	<u>82</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Matthew Marsh Time excluded from 9/28/06 until 10/23/06. (Castles, Martin) (Entered: 09/25/2006)
10/04/2006		Motions terminated as to Nydia Sharaai Bernabel, Matthew Marsh: <u>69</u> MOTION TO ACCEPT FURTHER MOTIONS filed by Matthew Marsh,, <u>70</u> Joint MOTION to Continue Trial (currently set for 9-11-06) & to Exclude Time accordingly filed by USA,, Matthew Marsh,, <u>72</u> MOTION for Writ of Habeas Corpus ad testificandum filed by USA,, (Castles, Martin) (Entered: 10/04/2006)
10/04/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>71</u> Sealed ex-parte Motion as to Matthew Marsh (2). (Castles, Martin) (Entered: 10/04/2006)
10/23/2006	<u>85</u>	PLEA AGREEMENT as to Matthew Marsh (Hassett, Kathy) (Entered: 10/23/2006)
10/23/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Change of Plea Hearing as to Matthew Marsh held on 10/23/2006, Case called, Counsel and dft appear for Rule 11 Hearing, Dft changes plea of not-guilty and enters a plea of GUILTY to counts 1-3, Plea entered by Matthew Marsh (2) Guilty Count 1,2-3. Sentencing set for Tuesday 1/16/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Procedural order re: sentencing to issue, Dft remanded to the custody of the U.S. Marshal.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 10/23/2006)
10/23/2006	<u>86</u>	Judge F. Dennis Saylor IV: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Matthew Marsh Sentencing set for 1/16/2007 03:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 10/23/2006)
10/23/2006		Motions terminated as to Matthew Marsh: <u>67</u> MOTION in Limine to Introduce Evidence of Defendant's Prior Drug Activity filed by USA,, <u>69</u> MOTION TO ACCEPT FURTHER MOTIONS filed by Matthew Marsh,, <u>63</u> MOTION for Voir Dire and Proposed Voir Dire Questions filed by Matthew Marsh,, <u>64</u> MOTION in Limine to Establish an Order of Proof for the Conspiracy Charge filed by Matthew Marsh,, <u>65</u> MOTION in Limine to Exclude Evidence of Defendant's Prior Conviction(s) filed by Matthew Marsh,, <u>66</u> MOTION to Sequester Witnesses filed by Matthew Marsh,. All motions are moot due to dft Marsh pleading guilty this date. (Castles, Martin) (Entered: 10/23/2006)
11/14/2006	<u>87</u>	MOTION to Seal as to Nydia Sharaai Bernabel, Matthew Marshby USA. (Hassett, Kathy) (Entered: 11/14/2006)
11/14/2006	<u>88</u>	SEALED MOTION as to Nydia Sharaai Bernabel, Matthew Marshby USA. (Hassett, Kathy) (Entered: 11/14/2006)

11/15/2006	●	Motions terminated (Docket cleanup) as to Matthew Marsh: <u>88</u> SEALED MOTION filed by USA,, <u>87</u> MOTION to Seal filed by USA, (Motions are filed as to Bernabel and not dft Marsh). (Castles, Martin) (Entered: 11/15/2006)
12/12/2006	●	ELECTRONIC NOTICE OF RESCHEDULING HEARING as to Matthew Marsh. Sentencing reset for Thursday 2/8/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Probation request)(Castles, Martin) (Entered: 12/12/2006)
01/18/2007	● <u>93</u>	Assented to MOTION to Continue <i>Sentencing and the Defendant's Objections to the Presentence Report</i> as to Matthew Marsh. (Black, Alan) (Entered: 01/18/2007)
01/18/2007	● <u>94</u>	MOTION to Appoint Expert <i>for a Psychological Evaluation</i> as to Matthew Marsh. (Black, Alan) (Entered: 01/18/2007)
01/18/2007	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>94</u> Motion to Appoint Expert as to Matthew Marsh (2)up to a limit of \$2500.00 without further leave of court. (Castles, Martin) (Entered: 01/18/2007)
01/18/2007	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>93</u> Motion to Continue as to Matthew Marsh (2). Sentencing reset for Friday 3/23/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 01/18/2007)
03/05/2007	● <u>95</u>	MOTION <i>for Additional Funds for Expert Witness</i> as to Matthew Marsh. (Black, Alan) (Entered: 03/05/2007)
03/08/2007	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>95</u> Motion for funds as to Matthew Marsh (2). (Castles, Martin) (Entered: 03/08/2007)
03/15/2007	● <u>96</u>	SENTENCING MEMORANDUM by Matthew Marsh (Attachments: # <u>1</u> Exhibit)(Black, Alan) (Entered: 03/15/2007)
03/23/2007	●	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Sentencing hearing as to Matthew Marsh held on 3/23/2007, Case called, Counsel and dft appear for sentencing, Court and parties discuss the vacating of dft's state court convictions, Court continues sentencing in order to allow parties to brief issues of Mental Health of dft and prior vacated convictions, Briefs due 4/2/07, Sentencing continued to Thursday 4/5/2007 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 03/23/2007)
03/24/2007	● <u>97</u>	MOTION to Continue <i>Sentencing Hearing currently set for Thursday, April 5, 2007 at 10:00 a.m.</i> as to Matthew Marshby USA. (Asiaf, Lisa) (Entered: 03/24/2007)

03/26/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>97</u> Motion to Continue as to Matthew Marsh (2). Sentencing reset for Monday 4/9/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 03/26/2007)
03/28/2007		<u>98</u> TRANSCRIPT of Rule 11 Proceedings as to Matthew Marsh held on October 23, 2006 before Judge F. Dennis Saylor, IV. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/929-3399 or the Clerk's Office. (Hassett, Kathy) (Entered: 03/28/2007)
03/29/2007		<u>99</u> MOTION for Funds for Transcripts as to Matthew Marsh. (Black, Alan) (Entered: 03/29/2007)
03/29/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>99</u> Motion for funds as to Matthew Marsh (2). (Castles, Martin) (Entered: 03/29/2007)
04/02/2007		<u>100</u> MOTION for Extension of Time to File <i>Brief</i> as to Matthew Marsh. (Black, Alan) (Entered: 04/02/2007)
04/02/2007		<u>101</u> MOTION to Continue <i>filing deadline</i> to April 5, 2007 to to file sentencing memorandum as to Matthew Marshby USA. (Asiaf, Lisa) (Entered: 04/02/2007)
04/02/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>100</u> Motion for Extension of Time to File as to Matthew Marsh (2) (Castles, Martin) (Entered: 04/02/2007)
04/02/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>101</u> Motion to Continue as to Matthew Marsh (2). (Castles, Martin) (Entered: 04/02/2007)
04/06/2007		<u>102</u> SENTENCING MEMORANDUM by Matthew Marsh (Black, Alan) (Entered: 04/06/2007)
04/06/2007		<u>103</u> SENTENCING MEMORANDUM by USA as to Matthew Marsh (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Asiaf, Lisa) (Entered: 04/06/2007)
04/09/2007		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Sentencing held on 4/9/2007 for Matthew Marsh (2), Count(s) 1, 2-3, Case called, Counsel and dft appear for sentencing, The Court sentences the dft as follows: The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 132 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. It is further ordered that the defendant shall pay to the United States a special assessment of \$300.00. The defendant is remanded to the custody of the U.S. Marshal. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 04/10/2007)

04/16/2007	<u>104</u>	Judge F. Dennis Saylor IV: ORDER entered. MEMORANDUM OF SENTENCING HEARING as to Matthew Marsh. (Jones, Sherry) (Entered: 04/17/2007)
04/27/2007	<u>105</u>	Judge F. Dennis Saylor IV: ORDER entered. JUDGMENT as to Matthew Marsh (2), Count(s) 1, 2-3, The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 132 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. It is further ordered that the defendant shall pay to the United States a special assessment of \$300.00 (Attachments: # <u>1</u>) (Castles, Martin) (Entered: 04/27/2007)
04/27/2007		Case Terminated as to Nydia Sharaai Bernabel, Matthew Marsh (Castles, Martin) (Entered: 04/27/2007)
04/30/2007	<u>106</u>	NOTICE OF APPEAL by Matthew Marsh re <u>105</u> Judgment,. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/21/2007. (Black, Alan) (Entered: 04/30/2007)
04/30/2007	<u>107</u>	MOTION for Leave to Proceed In Forma Pauperis as to Matthew Marsh. (Black, Alan) (Entered: 04/30/2007)
04/30/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>107</u> Motion to Proceed In Forma Pauperis on appeal as to Matthew Marsh (2). (Castles, Martin) (Entered: 04/30/2007)

I hereby certify on 5/1/07 that the foregoing document is true and correct copy of the

☒ electronic docket in the captioned case
☐ electronically filed original filed on _____
☐ original filed in my office on _____

Sarah A. Thornton
 Clerk, U.S. District Court
 District of Massachusetts

By: S. Jones
 Deputy Clerk